

REGULAR CITY COUNCIL MEETING  
JANUARY 28, 2002

PRESENT

Gayle Bunker  
Wesley Bloomfield  
Bruce Curtis  
Robert Droubay  
Margaret Dutson  
Glen Swalberg

Mayor  
Council Member  
Council Member  
Council Member  
Council Member  
Council Member

ABSENT

None

ALSO PRESENT

Neil Forster  
Richard Waddingham  
Judy Baker  
Gregory Jay Schafer  
Deb Greathouse  
Bob Rainsdon  
Ken Thatcher  
LaMar Stephenson  
Joe Young  
Bill Keel  
Kathy Walker  
Marjorie Riding  
Brent Berkley  
Steve Lester  
Betty Jo Western  
Robert Droubay  
Alex Dutson  
Richard Losee  
Jane Ann Losee

Public Works Director  
City Attorney  
City Treasurer  
City Recorder  
City Librarian  
City Resident  
Airport Hangar Lessee  
City Council Applicant  
City Council Applicant  
City Resident  
Millard County Chronicle/Progress  
City Council Applicant  
City Council Applicant  
City Resident  
City Council Applicant  
City Council Applicant  
Boy Scout  
Boy Scout  
Scout Parent

Mayor Bunker called the meeting to order at 7:00 p.m. He stated that notice of the meeting time, place and agenda had been posted at the City Building, and had been provided to the Millard County Chronicle/Progress, to KNAK Radio, and to each member of the City Council, at least two days prior to the meeting. City Recorder Gregory Jay Schafer acted as secretary.

Council Member Glen Swalberg offered an invocation, following which Mayor Bunker led those in attendance in the Pledge of Allegiance.

Mayor Bunker welcomed those attending the meeting, especially the Boy Scouts who were in attendance to witness the operation of the City Council.

### MINUTES

The minutes of a Public Hearing held January 14, 2002 were presented for consideration and approval. Following review, Council Member Wesley Bloomfield MOVED to approve the minutes of the Public Hearing held January 14, 2002, as presented. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The minutes of a Regular City Council Meeting held January 14, 2002 were presented for consideration and approval. Mayor Bunker requested several corrections be made. Following discussion of the corrections, Council Member Glen Swalberg MOVED to approve the minutes of the Regular City Council Meeting held January 14, 2002, as corrected. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

### ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them two days prior to the meeting. Following review, Council Member Wesley Bloomfield MOVED to approve the accounts payable dated January 28, 2002, in the amount of \$56,655.47. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Bunker advised the Council that he would like to move agenda item number 3, Appointment of Individual to Fill Vacant City Council Position, ahead of other agenda items in order to have the appointed individual join the Council in discussing the remaining agenda items.

Council Member Wesley Bloomfield MOVED to adjourn to Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of the individuals who have applied for appointment to the City Council. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Wesley Bloomfield	Yes
Bruce Curtis	Yes
Margaret Dutson	Yes
Glen Swalberg	Yes

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Following conclusion of the Executive Session, Council Member Wesley Bloomfield MOVED to adjourn the Executive Session and return to Regular City Council Meeting. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR GAYLE BUNKER: APPOINTMENT OF INDIVIDUAL TO FILL VACANT CITY COUNCIL POSITION

Mayor Bunker reported that the City Council had discussed the individuals who had applied for appointment to the City Council to fill the unexpired term vacated by his election as Mayor. Council Member Wesley Bloomfield MOVED to appoint Robert Droubay to fill the vacant City Council position. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Bunker asked Council Member Robert Droubay to come forward to be administered the oath of office and to take his position with the City Council.

CITY RECORDER GREGORY JAY SCHAFER: APPOINTMENT OF INDIVIDUAL TO FILL VACANT CITY COUNCIL POSITION

City Recorder Gregory Jay Schafer administered the oath of office to Robert Droubay ; he then took his seat with the City Council.

Mayor Bunker thanked all those who had applied for appointment to the City Council and encouraged them to file for election to fill City Council positions which will be up for election in two years. In addition, he asked for support from those individuals to fill vacant positions on the Planning & Zoning Commission, the Board of Adjustment and the Library Board. Mayor Bunker stated that he would be contacting some of the individuals to fill those positions.

UNFINISHED BUSINESS

BOB RAINSDON: POSSIBLE LEASE OF RIFLE RANGE/AIRPORT PROPERTY FOR RANGE LAND

Mayor Bunker showed Council Members a map of the area which Mr. Rainsdon is interested in leasing for range land. Mayor Bunker and City Attorney Waddingham reviewed terms of the agreement with the Bureau of Land Management allowing Delta City to obtain the property, but it remains unclear whether the land can be used for any purpose other than a rifle range.

Council Member Wesley Bloomfield MOVED to table discussion of this matter until further information can be obtained by City Attorney Waddingham. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions

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regarding the motion. There being none, he called for a vote. The motion passed unanimously.

DEB GREATHOUSE, CITY LIBRARIAN: DISPOSITION OF OLD/UNUSED EQUIPMENT

Mayor Bunker advised the Council that City Attorney Waddingham has researched this matter and found that there is currently no written policy dealing with disposition of old equipment. Mayor Bunker recommended that, inasmuch as the dollar value is small, Librarian Deb Greathouse be allowed to dispose of the equipment in whatever manner she feels appropriate.

Council Member Wesley Bloomfield MOVED to instruct City Librarian Deb Greathouse to dispose of the old/unused equipment in whatever manner she feels appropriate. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. Council Member Robert Droubay asked where any monies obtained by sale of the equipment would be allocated. City Attorney Waddingham stated that any monies received should be put back into the General Fund. Mayor Bunker asked if there were any further questions or comments regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESS

MAYOR GAYLE BUNKER: APPOINTMENT OF MEMBER TO BOARD OF ADJUSTMENT

No action was taken on this item.

OTHER BUSINESS

Mayor Bunker noted that Bill Keel had requested the opportunity to address the Council regarding the Scout Troop which displays flags on Main Street on holidays. Mayor Bunker invited Mr. Keel to address the Council at this time. Mr. Keel noted that, inasmuch as the flags have been put up on Main Street in observance of the Salt Lake Olympics and they will already be flying on the Presidents Day holiday, that the City Council allow the Scout Troop to responsible for removing the flags during storms, etc. and allow them to take the flags down following the last day of the Olympics in place of their normal duties to put out and remove the flags on Presidents Day. Council Member Wesley Bloomfield declared that his son is a member of the Scout Troop involved. Council Member Margaret Dutson declared that her son is a member of the same Scout Troop.

Council Member Robert Droubay MOVED to approve paying the Scout Troop for taking care of and removing flags on Main Street following the Salt Lake 2002 Olympics in exchange for the Presidents Day holiday. The motion was SECONDED by Council Member Margaret Dutson. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

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Mr. Keel stated that, as a service project, his Scout Troop would also like to display the flags on Main Street on September 11<sup>th</sup> in remembrance of those individuals who were victims of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001. The Council approved display of the flags on September 11, 2002.

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Council Member Margaret Dutson mentioned that she had discussed the lack of hangar space at the airport with Public Works Director Neil Forster. He advised her that there was currently no hangar space available. Council Member Dutson understood that there could be hangar space available due to some nonpayment of hangar rent. Mayor Bunker advised Council Member Dutson that efforts are currently being made to rectify the situation. City Attorney Waddingham noted that there are some old leases which need to be updated or terminated. City Attorney Waddingham agreed to prepare letters to those lessees who are in arrears giving them notice to bring their lease payments current or to remove their property from the hangar.

City Attorney Waddingham advised the Council that the City should have at least two systems in place to notice defaults of contracts.

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Council Member Margaret Dutson asked the Council what can be done about property that has fallen into disrepair and presents a fire hazard to neighbors. City Attorney Waddingham advised Council Member Dutson that this problem comes under the nuisance ordinance and there is a procedure in place to clean up the properties.

Council Member Glen Swalberg mentioned two properties which need to be cleaned up. City Attorney Waddingham advised the Council that he has contacted the property owners of the two parcels mentioned by Council Member Swalberg. The property owners have agreed to allow the fire marshal or building inspector to enter one of the properties but refused to allow entry on the other property. At this point, the only avenue available is to procure a court order allowing entry of the fire marshal or the building inspector to determine what needs to be done to abate the dangerous situation. City Attorney Waddingham requested that any other dangerous buildings which need to be addressed be reported to him so that he can proceed with notices and court proceedings at one time..

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Council Member Robert Droubay expressed his appreciation to the Mayor and Council for choosing him to serve on the Council and pledged to do all he can to be an asset to the Council. He also commended those who had applied for appointment to the Council and pledged to discuss and address the concerns which they may have and which led them to apply for appointment.

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Mayor Bunker advised the Council that he has visited the property owned by Jim and Juliene Withers regarding the problem they presented to the Council at the last meeting. City Attorney Waddingham stated that he had discussed the matter with Sunrise Engineering and found that the individual who had looked at the property did not prepare a written report but felt that the only way to determine what had caused the settling would be to excavate and investigate. The insurance company feels that, unless they have evidence of liability, they do not want to pay the expense for excavation and investigation. If the Withers would like to pay for the excavation and investigation, and the results show that liability could lie with Delta City, the insurance company would address the issue at that time. Mayor Bunker stated that he had discussed the matter with Mr. Withers and told him what City Attorney Waddingham had learned..

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Mayor Bunker told the Council that he has received a request from Mrs. Maxine Oakeson for a reduction in the price of her business license for 2002. She has been paying an annual license fee of \$50.00 for her foot care service business and the volume of her business does not support a fee of \$50.00. Mayor Bunker asked the Council if they would be in favor of reducing her license fee. City Attorney Waddingham stated that the ordinance allows the Mayor to make exceptions in cases of hardship or misfortune, for reduction or waiver of the business license fee. The Council suggested that Mayor Bunker talk with Mrs. Oakeson and work out an appropriate fee with her. Mayor Bunker advised the Council that he has a review of all business licenses on his list of items to be done in the near future.

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Mayor Bunker noted that the Council had received copies of information received regarding the 9-11 NY Education Ride. The information requests support vehicles and a welcome ceremony for a nationwide bicycle ride attempting to raise education funds for children who lost parents in the September 11<sup>th</sup> terrorism attacks on the World Trade Center. Mayor Bunker was not particularly in favor of supporting the ride, especially after hearing a report over the past weekend stating that adequate funds had been received for World Trade Center victims and their families. Council Member Swalberg agreed with the views expressed by Mayor Bunker. In addition, the day that is proposed for the bike tour to visit Delta is the same day that the rodeo will be held and there will also be a motocross race in progress. Council Member Wesley Bloomfield MOVED to notify the individuals involved in the bicycle ride that we are unable to participate in their pursuit at this time. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

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Mayor Bunker noted that Delta City pays one half of the cellular telephone charges for some employees who use their personal telephones for City use which, in some instances, includes roaming charges, etc. Mayor Bunker asked for input from the Council whether Delta City should continue this practice or limit the Delta City payments. It was the feeling of the Council that Delta City should limit payment to one half of the base fee and pay all roaming charges for calls on City business when they are outside the service area. Mayor Bunker advised the Council that he will advise those individuals involved that the policy at this time is to pay one half of the monthly bill, with the exception of personal charges; i.e. extra charges for roaming and long distance, unless documented to be City business. Council Member Glen Swalberg MOVED to instruct City Attorney Waddingham to prepare a written policy regarding cellular telephone reimbursement for Delta City employees. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

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Mayor Bunker distributed a list of departments within Delta City and requested that each Council Member make a list of the departments which they may be interested in supervising and asked that the lists be returned to him sometime during the next two weeks. Mayor Bunker will make Council assignments at the next meeting of the City Council.

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City Attorney Waddingham will have disclosure statements for Council Members to sign at the next meeting. The statements will allow Council Members to disclose potential areas in which they may have a conflict of interest.

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Mayor Bunker reported that there are several individuals who need to be replaced on the Planning & Zoning Commission and the Board of Adjustment. Council Member Wesley Bloomfield reported that the Library Board has two vacancies to be filled.

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Mayor Bunker advised the Council that he had ordered four benches to be placed in the City Park, near the playground area, to be used by parents while supervising their children. He requested that the Council approve expenditure of approximately \$1,100 for the benches. Council Member Wesley Bloomfield MOVED to approve expenditure of approximately \$1,100 for benches for the City Park, to be paid from the Mayor's budget line item for city beautification. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

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Mayor Bunker noted that Delta City spent approximately \$790 for Olympic flags which are displayed on Main Street. The Salt Lake Olympic Organizing Committee has agreed to pay one half the cost of those flags. Mayor Bunker has been approached by individuals who would be interested in purchasing the flags after they are removed at the end of the Olympics and felt that most of the funds expended could be recouped by sale of the flags at that time. The Council was in favor of selling the Olympic flags to interested individuals and depositing funds received from same in the general fund.


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Mayor Bunker reminded the Council that they had previously discussed construction of a pavilion over the south tennis court and felt that it is time to begin thinking about proceeding in order to have the pavilion constructed by the July 4<sup>th</sup> celebration. In addition, Mayor Bunker suggested that Council Members think about construction of an RV dump near the city yard. Council Member Dutson stated that there is an RV dump at the RV park on the west side of Delta City. She was asked to find out if anyone can use the dump or if individuals must park there in order to use the dump.

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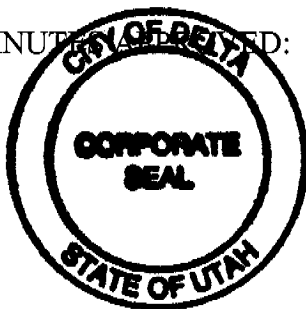
Mayor Bunker asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Wesley Bloomfield MOVED to adjourn the meeting. The motion was SECONDED by Council Member Margaret Dutson. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Bunker declared the meeting adjourned at 8:27 p.m.

  
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 GAYLE BUNKER, Mayor

  
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 GREGORY JAY SCHAFER, City Recorder

MINUTES RECORDED: RCCM 02-11-02





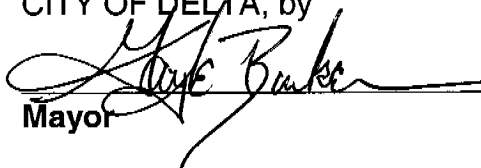
**EXECUTIVE SESSION**  
**Sworn Statement**  
 (Required by 52-4-7.5, UCA 1953)

I, Gayle Bunker, swear, as the person presiding at this executive session, that the sole purpose for closing the session was to discuss the following:

- ☒ The Character, professional competence, or physical or mental health of an individual.
- ☐ The deployment of securing personnel, devices or system.

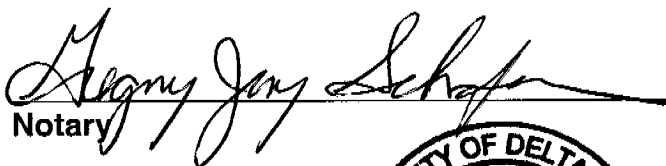
Sworn to and executed this 28<sup>th</sup> day of January, 2002.

CITY OF DELTA, by

  
 Mayor

STATE OF UTAH            )  
 COUNTY OF MILLARD    }    §  
 CITY OF DELTA         )

Subscribed and Sworn to this 28<sup>th</sup> day of January, 2002, by Gayle Bunker.

  
 Notary

My Commission Expires: MARCH 23, 2003

Residing at: 2625 300 W, DELTA UT 84624-9353

